



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/765,573

01/27/2004

Tetsuya Mashiko

FS.17279US1C

8133

20995

7590

07/15/2005

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

MCMAHON, MARGUERITE J

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tate

**Office Action Summary**

Application No.

10/765,573

Applicant(s)

MASHIKO, TETSUYA

Examiner

Marguerite J. McMahon

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-20 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ventilation passage, including the first portion of the ventilation passage connecting the inlet to the outlet of the intake passage and the second portion of the ventilation passage connecting the second inlet to the first portion of the ventilation passage, and the overflow passage must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3747

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 13, 24, 17 and 28 are objected to because of the following informalities:  
In claims 13 and 24 "the inlet communicating with the crankcase" is confusing since this element is actually the outlet of the crankcase and the inlet presumably of the ventilation system. Similarly, an outlet communicating with the inlet duct is actually an inlet to the inlet duct and an outlet presumably of the ventilation system. These terms are used throughout the rest of the claims as well

In claims 17 and 28, the use of the terms "the inlet" and "the second inlet communicating with the reservoir" and "the second inlet to the first portion of the ventilation passage" are confusing because it is unclear which inlets they actually refer to. It is suggested that in each case when an inlet is referred to that it is accompanied by a clear indication of which engine element the inlet or outlet is related to, since inlet and outlet are relative terms. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-20 and 24-31, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanami (6,190,221). Nanami shows a watercraft

Art Unit: 3747

comprising a hull defining an engine compartment, a seat 17 being positioned generally over at least a portion of said engine compartment, an internal combustion engine disposed in the engine compartment, a propulsion device driven by the engine, the engine having an engine body defining a crankcase and at least one combustion chamber therein, a lubrication system for supplying lubricant to at least the crankcase of the engine, an induction system configured to guide air along an induction airflow path to the combustion chamber for combustion therein, the induction system comprising at least one throttle body 68 having a throttle valve 69 and an inlet duct 66 connected to the at least one throttle body, the throttle body and inlet duct at least partially defining an intake passage, a blow-by gas ventilation system 85 including an oil separation chamber 89 comprising an inlet 88 communicating with the crankcase, an outlet 92 communicating directly with the inlet duct upstream of the throttle valve, a ventilation passage connecting the inlet and the outlet, an oil reservoir (in the crankcase), an overflow passage connecting the cylinder head of the engine to the reservoir (note that oil flows from the separator to the cylinder head and thence back to the reservoir in the crankcase).

Nanami shows everything except an air filter, the throttle body and the oil separation chamber being disposed within the plenum chamber, and the outlet communicating with the intake passage upstream of the throttle valve and downstream of the upstream end of the inlet duct. It would have been obvious to one having ordinary skill in the art to locate the throttle body and oil separation chamber in the plenum chamber, and to locate the outlet such that it is communicating with the intake

Art Unit: 3747

passage upstream of the throttle valve and downstream of the upstream end of the inlet duct since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. In addition, the use of an air filter is conventional, and does not comprise an inventive step. Note that the outlet being disposed on a side of the intake passage opposite the air filter element is very broad.

### ***Response to Arguments***

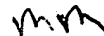
Applicant's arguments filed 6/10/05 have been fully considered but they are not persuasive. Applicant has defined the inlet and outlet of the reference such that the inlet and outlet do not read on amended claim 13, but it would be just as appropriate to define the inlet and outlet of the ventilation passage (i.e. oil separator 89) such that the limitations of the amended claim 13 are met, as explained in the above rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 703-308-1956. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MARGUERITE MCMAHON**  
**PRIMARY EXAMINER**